

RECEIVED

JUN 15 2010

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

DAVID TUTTLE

CIVIL ACTION NO. 09-514

VERSUS

JUDGE DOHERTY

ENSCO OFFSHORE COMPANY

MAGISTRATE JUDGE HILL

**MEMORANDUM RULING**

Currently pending before this Court is a Motion for Summary Judgment [Doc. 29], filed on behalf of defendant ENSCO Offshore Company ("ENSCO"), seeking dismissal of the Intervention filed in this matter by Liberty Mutual Insurance Company ("Liberty"). Counsel for plaintiff joined in the motion. [Doc. 31]

In the motion, ENSCO argues the Intervention filed by Liberty should be dismissed with prejudice, because "based on the relevant contract it is undisputed that Liberty Mutual Insurance Company waived all rights to subrogation, and thereby its intervention in this matter." [Doc. 29-1, p.1] The motion is unopposed.<sup>1</sup> Following a review of the briefing filed and finding the motion to be well-founded in law and fact, and as the motion is unopposed, the motion for summary judgment is hereby GRANTED and the Intervention filed by Liberty is DISMISSED WITH PREJUDICE.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 15 day of June, 2010.

  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup>Any opposition memorandum was to be filed no later than October 25, 2009. [Doc. 30] On June 10, 2010, this Court contacted all counsel in this matter, via electronic mail, to inquire whether Intervenor intended to file an opposition to the motion. [See Court Ex. A] To date, no response has been received by the Court.